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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/732,205	12/07/2000	Masahito Niiikawa	15162/02810	9462
24367	7590	06/21/2004	EXAMINER	
SIDLEY AUSTIN BROWN & WOOD LLP			HENN, TIMOTHY J	
717 NORTH HARWOOD			ART UNIT	
SUITE 3400			PAPER NUMBER	
DALLAS, TX 75201			2612	
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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/732,205

**Applicant(s)**

NIIKAWA, MASAHIITO

**Examiner**

Timothy J Henn

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-11 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kazami (US 6,289,178) in view of Hiroki et al. (US 4,945,424).

#### **[claim 1]**

In regard to claim 1, note that Kazami discloses a digital camera (Figure 2) comprising: an optical finder for optically viewing a photographic object (Figure 2, Item 22); an electronic finder for electronically displaying a photographic object (Figure 2, Item 15); an operation member for performing an electronic zoom (Figure 2, Item 21); and a controller for setting the electronic finder to the activated state when the electronic zoom is performed by the operation member (e.g. Figure 3, Item S7). Therefore it can be seen that Kazami lacks a switching member for switching between an activated state and a deactivated state of the electronic finder and a controller which forcedly sets the electronic finder to the activated state when the electronic zoom is performed.

Hiroki et al. teaches a camera which saves power by automatically turning on only the devices which are required for a given mode and turns off the devices which are not required for that mode (e.g. Column 2, Lines 48-68). It is also noted that Kazami teaches that the use of the electronic finder is required when the electronic

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zoom is performed to verify the image to be taken due to the fact that the optical finder image and the electronic zoomed image do not match (e.g. Column 4, Line 63 - Column 5, Line 11). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teachings of Hiroki et al. to the camera of Kazami in order to activate the required electronic display when the electronic zoom mode is activated and deactivate the electronic display when the electronic zoom mode is not activated in order to conserve power.

**[claim 2]**

In regard to claim 2, note that Kazami further discloses an indicator for indicating a warning when electronic zoom is performed (Figure 2, Item 18; Column 4, Lines 63-67).

**[claim 3]**

In regard to claim 3, note that Kazami discloses the positioning of the indicator that is viewable when the photographer is looking in the optical finder (Column 5, Lines 28-37).

**[claim 4]**

In regard to claim 4, note that Kazami discloses an indicator that indicates a warning when an effective magnification of the electronic zoom exceeds a magnification range of the optical finder (Figure 2, Item 18; Column 4, Lines 63-67; The office notes that when the viewfinder zoom is set at a magnification range (i.e. a certain focal length) and the electronic zoom is activated, the product of the electronic zoom and the optical zoom will exceed the magnification of the view finder and a warning will be issued. It is

noted that whenever the electronic zoom is activated it will inherently exceed the magnification range of the optical viewfinder in such a system as described by Kazami).

**[claim 5]**

In regard to claim 5, note that Kazami discloses a digital camera (Figure 2) comprising: an optical finder for optically viewing a photographic object (Figure 2, Item 22); an electronic finder for electronically displaying a photographic object (Figure 2, Item 15); an operation member for performing an electronic zoom (Figure 2, Item 21); and a zooming lens for image sensing (Figure 1, Item 13; Column 3, Lines 37-41). Therefore, it can be seen that Kazami lacks a switching member for switching between an activated and a deactivated state of the electronic finder and a controller for setting the electronic finder to the activated state when an effective magnification of the electronic zoom exceeds a magnification range of the optical finder.

Hiroki et al. teaches a camera which saves power by automatically turning on only the devices which are required for a given mode and turns off the devices which are not required for that mode (e.g. Column 2, Lines 48-68). It is also noted that Kazami teaches that the use of the electronic finder is required when the electronic zoom (i.e. when the zoom range of the electronic zoom exceeds the zoom range of the optical finder; The office notes that when the viewfinder zoom is set at a magnification range (i.e. a certain focal length) and the electronic zoom is activated, the product of the electronic zoom and the optical zoom will exceed the magnification of the view finder and a warning will be issued. It is noted that whenever the electronic zoom is activated it will inherently exceed the magnification range of the optical viewfinder in such a

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system as described by Kazami) is performed to verify the image to be taken due to the fact that the optical finder image and the electronic zoomed image do not match (e.g. Column 4, Line 63 - Column 5, Line 11). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teachings of Hiroki et al. to the camera of Kazami in order to activate the required electronic display when the electronic zoom mode is activated and deactivate the electronic display when the electronic zoom mode is not activated in order to conserve power.

**[claim 11]**

Claim 11 is a computer implemented method claim corresponding to apparatus claim 1. Therefore, claim 11 is analyzed and rejected as previously discussed with respect to claim 1.

3. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kazami (US 6,289,178) in view of Hiroki et al. (US 4,945,424) in further view of Ushiro et al. (US 5,144,491).

**[claim 7]**

In regard to claim 7, note that Kazami discloses a digital camera (Figure 2) comprising: an optical finder for optically viewing a photographic object (Figure 2, Item 22); an electronic finder for electronically displaying a photographic object (Figure 2, Item 15); and an operation member for performing an electronic zoom (Figure 2, Item 21).

Therefore, it can be seen that Kazami lacks a switching member for switching between an activated and a deactivated state of the electronic finder and a controller for setting

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the electronic finder to the activated state when an effective magnification of the exceeds a magnification range of the optical finder.

Hiroki et al. teaches a camera which saves power by automatically turning on only the devices which are required for a given mode and turns off the devices which are not required for that mode (e.g. Column 2, Lines 48-68). It is also noted that Kazami teaches that the use of the electronic finder is required when the electronic zoom (i.e. when the zoom range of the electronic zoom exceeds the zoom range of the optical finder; The office notes that when the viewfinder zoom is set at a magnification range (i.e. a certain focal length) and the electronic zoom is activated, the product of the electronic zoom and the optical zoom will exceed the magnification of the view finder and a warning will be issued. It is noted that whenever the electronic zoom is activated it will inherently exceed the magnification range of the optical viewfinder in such a system as described by Kazami) is performed to verify the image to be taken due to the fact that the optical finder image and the electronic zoomed image do not match (e.g. Column 4, Line 63 - Column 5, Line 11). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teachings of Hiroki et al. to the camera of Kazami in order to activate the required electronic display when the electronic zoom mode is activated and deactivate the electronic display when the electronic zoom mode is not activated in order to conserve power. It can further be seen that Kazami in view of Hiroki et al. lacks a setter for setting a magnification for image sensing when the digital camera is activated.

Ushiro et al. discloses a system which stores a position of a zoom lens prior to powering off the camera and sets the zoom lens at the stored position when the camera (e.g. Figure 10; Column 12, Line 66 - Column 14, Line 15). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a setter as taught by Ushiro et al. to drive the zoom lens to the same position it was at prior to powering off the camera.

**[claim 8]**

In regard to claim 8, note that Ushiro et al. discloses a memory for storing a magnification for image sensing when the camera is powered off, and the setter is set to magnification stored in the memory (Figure 9, Item 425; Column 12, Line 66 - Column 14, Line 15).

4. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kazami (US 6,289,178) in view Ushiro et al. (US 5,144,491).

**[claim 9]**

In regard to claim 9, note that Kazami discloses a digital camera (Figure 2) comprising: an optical finder for optically viewing a photographic object (Figure 2, Item 22); an electronic finder for electronically displaying a photographic object (Figure 2, Item 15); an operation member for performing an electronic zoom (Figure 2, Item 21); and an indicator for indicating a warning when the magnification is outside a magnification range of the optical finder (Figure 2, Item 18; Column 4, Lines 63-67; The office notes that when the viewfinder zoom is set at a magnification range (i.e. a certain

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focal length) and the electronic zoom is activated, the product of the electronic zoom and the optical zoom will exceed the magnification of the view finder and a warning will be issued. It is noted that whenever the electronic zoom is activated it will inherently exceed the magnification range of the optical viewfinder in such a system as described by Kazami). Therefore, it can be seen that Kazami lacks a setter for setting a magnification for image sensing when the digital camera is activated.

Ushiro et al. discloses a system which stores a position of a zoom lens prior to powering off the camera and sets the zoom lens at the stored position when the camera (e.g. Figure 10; Column 12, Line 66 - Column 14, Line 15). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a setter as taught by Ushiro et al. to drive the zoom lens to the same position it was at prior to powering off the camera.

**[claim 10]**

In regard to claim 10, note that Ushiro et al. discloses a memory for storing a magnification for image sensing when the camera is powered off, and the setter is set to magnification stored in the memory (Figure 9, Item 425; Column 12, Line 66 - Column 14, Line 15).

***Allowable Subject Matter***

5. Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base

claim and any intervening claims.

**[claim 6]**

In regard to claim 6, the prior art fails to teach or reasonably suggest a controller that maintains the state of the electronic finder even when the effective magnification is changed to within the magnification range of the optical viewfinder.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following prior art further shows the state of the art in digital cameras with optical and electronic zooms:

- |      |              |                |
|------|--------------|----------------|
| i.   | Doron        | US 6,693,667   |
| ii.  | Fujii et al. | JP 11-284898 A |
| iii. | Fujimoto     | JP 11-187301 A |


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J Henn whose telephone number is (703) 305-8327. The examiner can normally be reached on M-F 7:30 AM - 5:00 PM, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy R Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TJH  
6/2/2004

  
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